

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Midway Arms, Inc.
D/B/A Midway USA
5875 W. Van Horn Tavern Road
Columbia, Missouri 65203

Attention: Larry W. Potterfield, President & CEO

Dear Mr. Potterfield:

The Bureau of Industry and Security, United States Department of Commerce ("BIS") has reason to believe that Midway Arms, Inc., doing business as Midway USA of Columbia, Missouri ("Midway") committed 368 violations of the Export Administration Regulations (the "Regulations"),¹ which are issued under the authority of the Export Administration Act of 1979 (the "Act").² Specifically, BIS charges that Midway committed the following violations:

Charges 1-275 (15 C.F.R. § 764.2(a) - Exporting Firearms Sights, Scopes, Rings, Bases and Mounts to Canada Without the Required BIS Licenses)

On 275 occasions from on or about April 21, 1999, through on or about July 26, 2001, Midway engaged in conduct prohibited by or contrary to the Regulations by exporting firearms sights, scopes, rings, bases and mounts, all items subject to the regulations and classified under

¹ The Regulations are currently codified in the Code of Federal Regulations at 15 C.F.R. Parts 730-774 (2003). The charged violations occurred in 1999, 2000, 2001, and 2002. The Regulations governing the violations at issue are found in the 1999-2002 versions of the Code of Federal Regulations (15 C.F.R. Parts 730-774(1999-2002)). The 2003 Regulations establish the procedures that apply to this matter.

² 50 U.S.C. app. 2401- 2420 (2000). From August 21, 1994 through November 12, 2000, the Act was in lapse. During that period, the President, through Executive Order 12924, which had been extended by successive Presidential Notices, the last of which was August 3, 2000 (3 C.F.R., 2000 Comp. 397 (2001)), continued the Regulations in effect under the International Emergency Economic Powers Act (50 U.S.C. §§ 1701 - 1706 (2000)) ("IEEPA"). On November 13, 2000, the Act was reauthorized and it remained in effect through August 20, 2001. Since August 21, 2001, the Act has been in lapse and the President, through Executive Order 13222 of August 17, 2001 (3 C.F.R., 2001 Comp. p. 783 (2002)), as extended by the Notice of August 7, 2003 (68 *Fed. Reg.* 47833, August 11, 2003)), has continued the Regulations in effect under IEEPA. The Act and Regulations are available on the Government Printing Office website at: <http://w3.access.gpo.gov/bis/>.

Export Control Classification Number ("ECCN") 0A987, to Canada, without the BIS licenses required by Section 742.17 of the Regulations (Exports of Firearms to OAS Member Countries). In so doing, Midway committed 275 violations of Section 764.2(a) of the Regulations. These transactions are further detailed in the Schedule of Violations, which is attached hereto and incorporated herein by reference.

Charges 276-368 (15 C.F.R. § 764.2(a) - Exporting Firearms Sights, Scopes, Rings, Bases and Mounts to Argentina, Barbados, Bolivia, Brazil, Finland, Mexico, Philippines, South Africa, Sweden, Switzerland, and Uruguay Without the Required BIS Licenses)

On 93 occasions from on or about May 4, 1999, through on or about September 6, 2002, Midway engaged in conduct prohibited by or contrary to the Regulations by exporting firearms sights, scopes, rings, bases and mounts, all items subject to the Regulations and classified under ECCN 0A987, to destinations in Argentina, Barbados, Bolivia, Brazil, Finland, Mexico, Philippines, South Africa, Sweden, Switzerland, and Uruguay, without the BIS licenses required by Section 742.7 of the Regulations. In so doing, Midway committed 93 violations of Section 764.2(a) of the Regulations. These transactions are further detailed in the attached Schedule of Violations.

Accordingly, Midway is hereby notified that an administrative proceeding is instituted against it pursuant to Section 13(c) of the Act and Part 766 of the Regulations for the purpose of obtaining an order imposing administrative sanctions, including any or all of the following:

The maximum civil penalty allowed by law of \$11,000 per violation;³

Denial of export privileges; and/or

Exclusion from practice before BIS.

If Midway fails to answer the charges contained in this letter within 30 days after being served with notice of issuance of this letter, that failure will be treated as a default. (Regulations, Sections 766.6 and 766.7). If Midway defaults, the Administrative Law Judge may find the charges alleged in this letter are true without hearing or further notice to Midway. The Under Secretary of Commerce for Industry and Security may then impose up to the maximum penalty on the charges in this letter.

³ See 15 C.F.R. § 6.4(a)(2).

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Midway is further notified that it is entitled to an agency hearing on the record if Midway files a written demand for one with its answer. (Regulations, Section 766.6). Midway is also entitled to be represented by counsel or other authorized representative who has power of attorney to represent it. (Regulations, Sections 766.3(a) and 766.4).

The Regulations provide for settlement without a hearing. (Regulations, Section 766.18). Should Midway have a proposal to settle this case, Midway or its representative should transmit the offer to me through the attorney representing BIS named below.

The U.S. Coast Guard is providing administrative law judge services in connection with the matters set forth in this letter. Accordingly, Midway's answer must be filed in accordance with the instructions in Section 766.5(a) of the Regulations with:

U.S. Coast Guard ALJ Docketing Center
40 S. Gay Street
Baltimore, Maryland 21202-4022

In addition, a copy of Midway's answer must be served on BIS at the following address:

Office of Chief Counsel for Industry and Security
Attention: Glenn Kaminsky
Room H-3839
United States Department of Commerce
14th Street and Constitution Avenue, N.W.
Washington, D.C. 20230

Glenn Kaminsky is the attorney representing BIS in this case. Any communications that you may wish to have concerning this matter should occur through him. He may be contacted by telephone at (202) 482-5301.

Sincerely,

Mark D. Menefee
Director
Office of Export Enforcement

Attachment

Schedule of Violations
Midway Arms, Inc.
(d/b/a Midway USA)

<u>CHARGE</u>	<u>DATE</u>	<u>COMMODITY (all ECCN 0A987)</u>	<u>DESTINATION</u>	<u>INVOICE #</u>	<u>VALUE (\$)</u>
1	19990421	(2) BSA Sights	Canada	9201313	119.99
2	19990427	(1) BSA Scope	Canada	9214320	149.99
3	19990429	(1) Simmons Scope	Canada	9219287	149.99
4	19990429	(1) Tasco Scope	Canada	9220008	69.99
5	19990503	(1) Tasco Scope	Canada	9925895	561.99
6	19990512	(1) Leupold Base	Canada	9927231	40.99
7	19990513	(1) BSA Scope	Canada	9245663	99.99
8	19990518	(1) Tasco Sight	Canada	9253184	109.99
9	19990520	(1) BSA Scope	Canada	9260399	99.99
10	19990524	(1) BSA Scope	Canada	9262841	149.99
11	19990604	(2) BSA Scopes	Canada	9286450	311.98
12	19990615	(2) BSA Scopes	Canada	9304987	229.98
13	19990629	(4) Weaver Rings	Canada	9323239	79.96
14	19990706	(1) BSA Scope	Canada	9340368	144.99
15	19990713	(2) BSA Sights	Canada	9355248	97.98
16	19990719	(1) Tasco Scope; (1) Tasco Ring	Canada	9364406	121.98
17	19990723	(1) BSA Scope; (1) Weaver Ring	Canada	9371905	168.48
18	19990730	(1) Burris Scope; (1) Millett Ring	Canada	9385151	286.98
19	19990805	(1) BSA Scope	Canada	9939098	99.99
20	19990813	(1) BSA Scope	Canada	9412214	114.99
21	19990823	(1) Weaver Ring	Canada	9423344	19.99
22	19990830	(1) Nikon Scope	Canada	9437300	269.99
23	19990831	(1) BSA Scope	Canada	9442509	129.99
24	19990916	(1) BSA Scope	Canada	9477456	154.99
25	19990916	(1) Tasco, (1) BSA Sight	Canada	9478520	127.98
26	19990921	(2) Tasco Scopes	Canada	9947210	139.98
27	19990922	(1) BSA Sight	Canada	9488446	57.99
28	19990923	(1) BSA Scope	Canada	9419811	59.99
29	19990929	(1) Tasco Scope	Canada	9948654	189.99
30	19990930	(1) Tasco Scope	Canada	9503627	89.99
31	19990930	(1) Tasco Scope	Canada	9948642	199.99

<u>CHARGE</u>	<u>DATE</u>	<u>COMMODITY (all ECCN 0A987)</u>	<u>DESTINATION</u>	<u>INVOICE #</u>	<u>VALUE (\$)</u>
32	19991005	(1) BSA Scope	Canada	9514210	89.99
33	19991005	(1) Tasco Ring	Canada	9949470	8.99
34	19991013	(1) BSA Scope	Canada	9531428	79.99
35	19991014	(1) BSA Scope	Canada	9536643	59.99
36	19991014	(1) Leupold Base	Canada	9536758	20.99
37	19991015	(1) BSA Scope	Canada	9536953	99.99
38	19991015	(1) BSA Sight	Canada	9540360	49.99
39	19991102	(2) Simmons Scopes	Canada	1021559	169.98
40	19991108	(1) Simmons, (1) Tasco Scope	Canada	1033850	164.98
41	19991109	(1) BSA Scope	Canada	1036196	89.99
42	19991115	(1) BSA Scope; (1) Weaver Ring	Canada	1045312	84.98
43	19991124	(1) BSA Sight	Canada	1062081	49.99
44	19991202	(1) Simmons Scope	Canada	1074826	99.99
45	19991210	(1) Tasco Scope	Canada	1083441	69.99
46	19991210	(1) BSA Scope	Canada	1096691	99.99
47	19991214	(1) BSA Scope; (1) Burris Ring	Canada	1083167	160.98
48	19991214	(1) Tasco Scope	Canada	1100534	69.99
49	19991216	(1) SimmonsScope	Canada	1114493	94.99
50	19991217	(1) Tasco Scope	Canada	1108431	64.99
51	19991220	(1) Simmons Scope	Canada	1119411	94.99
52	19991228	(1) Tasco Scope	Canada	1131505	69.99
53	20000105	(1) BSA Scope	Canada	1143004	119.99
54	20000110	(3) Simmons Scopes	Canada	1150698	299.97
55	20000110	(1) Simmons Scope	Canada	1150915	99.99
56	20000110	(1) Simmons Scope	Canada	1152837	99.99
57	20000110	(1) BSA Scope	Canada	1154932	134.99
58	20000113	(4) BSA Scopes	Canada	1174769	129.96
59	20000118	(1) Burris Ring	Canada	1181507	45.99
60	20000127	(1) BSA, (1) Tasco Scope	Canada	1198546	139.98
61	20000127	(2) Tasco Scopes	Canada	1199466	199.98
62	20000127	(1) BSA Scope	Canada	1199643	129.99
63	20000127	(1) Tasco Scope	Canada	1199662	69.99
64	20000127	(1) Tasco Scope	Canada	1205929	99.99
65	20000130	(1) BSA Scope	Canada	1207150	104.99
66	20000202	(1) BSA Scope; (1) Tasco Ring	Canada	1202015	77.48
67	20000204	(1) Tasco Scope	Canada	1216776	99.99

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68	20000216	(1) Tasco Scope	Canada	1255567	94.99
69	20000221	(2) BSA Scopes	Canada	1264748	229.98
70	20000221	(2) Simmons Scopes	Canada	1265951	199.98
71	20000225	(1) Tasco Scope	Canada	1274839	99.99
72	20000225	(1) Tasco Scope	Canada	1276423	69.99
73	20000225	(1) Tasco Scope	Canada	1276887	99.99
74	20000314	(1) Tasco Scope	Canada	1309826	39.99
75	20000315	(1) Simmons Scope; (1) Tasco Ring	Canada	1311857	113.98
76	20000315	(1) Tasco Base	Canada	1315369	34.99
77	20000316	(1) Simmons Scope	Canada	1319364	104.99
78	20000323	(1) BSA Scope	Canada	1332898	164.99
79	20000328	(1) Simmons Scope	Canada	1344730	99.99
80	20000329	(1) Simmons Scope; (3) Millett Rings	Canada	1342462	159.96
81	20000329	(1) BSA Scope	Canada	1347664	154.99
82	20000331	(1) Aimtech Base	Canada	1352415	54.99
83	20000331	(1) Tasco Scope	Canada	1354756	89.99
84	20000405	(1) Tasco Sight	Canada	1362883	89.99
85	20000405	(1) Tasco Base	Canada	1364801	7.99
86	20000411	(1) Weaver Scope	Canada	1374998	257.99
87	20000416	(1) B-Square Base	Canada	1379885	35.99
88	20000419	(1) Tasco Scope	Canada	1380911	99.99
89	20000419	(1) Tasco Scope	Canada	1386910	99.99
90	20000501	(2) BSA Scopes	Canada	1404979	294.98
91	20000503	(1) Simmons Scope	Canada	1406050	129.99
92	20000503	(1) BSA Scope	Canada	1406088	101.99
93	20000504	(1) Tasco Base	Canada	1416561	34.99
94	20000504	(1) BSA Scope; (5) Millett Rings	Canada	1416568	164.94
95	20000509	(1) Tasco Scope	Canada	1422199	99.99
96	20000509	(1) BSA Scope	Canada	1423087	96.99
97	20000511	(1) Tasco Sight	Canada	1425768	199.99
98	20000524	(1) Tasco Ring	Canada	1444188	8.99
99	20000526	(1) Tasco, (1) BSA Sight	Canada	1446924	75.98
100	20000530	(1) Tasco Scope	Canada	1451468	69.99
101	20000601	(1) BSA Sight	Canada	1458016	35.99
102	20000604	(1) BSA Sight	Canada	1463308	29.99
103	20000608	(1) BSA Sight	Canada	1472249	29.99

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104	20000609	(1) BSA Scope	Canada	1474212	134.99
105	20000614	(1) Tasco Scope Kit (includes Scope, Ring); (10) Tasco Rings	Canada	1477575	144.89
106	20000615	(1) BSA Scope; (1) Millett Ring	Canada	1481190	189.98
107	20000616	(1) Tasco Scope; (1) Millett Ring	Canada	1482490	155.98
108	20000623	(1) BSA Scope	Canada	1489394	84.99
109	20000630	(2) Tasco Scope Kits (includes Scopes, Rings)	Canada	1501981	109.98
110	20000720	(3) Simmons Scopes	Canada	1533780	304.97
111	20000721	(1) Simmons Scope; (1) Weaver Mount	Canada	1532473	172.98
112	20000803	(14) Tasco Bases	Canada	1554479	111.86
113	20000804	(1) BSA Sight	Canada	1513960	24.99
114	20000804	(1) Tasco Scope	Canada	1525840	69.99
115	20000804	(1) BSA Scope	Canada	1528306	75.99
116	20000807	(1) BSA Scope	Canada	1531042	84.99
117	20000807	(1) Tasco Scope	Canada	1541242	69.99
118	20000815	(1) BSA Scope	Canada	1535582	59.99
119	20000815	(1) BSA Scope	Canada	1569768	169.99
120	20000815	(1) Tasco Scope	Canada	1575366	69.99
121	20000816	(1) Tasco Scope	Canada	1567364	189.99
122	20000816	(1) BSA Scope	Canada	1573765	84.99
123	20000816	(1) Simmons Scope; (1) Millett Ring	Canada	1574410	162.98
124	20000818	(1) BSA Scope	Canada	1580091	119.99
125	20000829	(1) Simmons Scope	Canada	1591378	99.99
126	20000830	(1) Tasco Scope	Canada	1595521	49.99
127	20000906	(2) BSA Scopes	Canada	1608216	259.98
128	20000914	(1) BSA Scope	Canada	1616541	169.99
129	20000915	(1) BSA Scope	Canada	1615865	169.99
130	20000920	(1) BSA Scope	Canada	1625289	59.99
131	20000920	(1) Tasco Scope	Canada	1625489	79.99
132	20000920	(1) BSA Scope	Canada	1627247	174.01
133	20000921	(1) Tasco Scope	Canada	1625982	69.99
134	20000927	(1) BSA Sight	Canada	1635090	55.99
135	20000927	(1) BSA Scope	Canada	1639777	59.99
136	20000927	(1) Tasco Scope	Canada	1640087	49.99
137	20000929	(1) BSA Scope	Canada	1640223	169.99
138	20001006	(1) BSA Scope	Canada	1651066	169.99
139	20001010	(1) BSA Scope	Canada	1657958	59.99

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140	20001010	(1) Simmons Scope	Canada	1658439	99.99
141	20001010	(1) BSA Scope	Canada	1658598	169.99
142	20001019	(1) BSA Scope	Canada	1669048	169.99
143	20001019	(1) Tasco Scope	Canada	1670848	59.99
144	20001030	(1) Simmons Scope	Canada	1683533	99.99
145	20001031	(1) Simmons Scope	Canada	1688011	99.99
146	20001031	(1) BSA Scope	Canada	1689115	99.99
147	20001102	(1) Tasco Scope Kit (includes Scope, Ring)	Canada	1689830	49.99
148	20001102	(1) Tasco Scope	Canada	1690008	69.99
149	20001103	(1) Simmons Scope	Canada	1691899	99.99
150	20001107	(1) Tasco Scope	Canada	1700159	69.99
151	20001108	(1) Tasco Scope	Canada	1700691	64.99
152	20001110	(1) Tasco Scope	Canada	1701814	179.99
153	20001116	(1) Tasco Scope; (1) BSA Sight	Canada	1704893	64.98
154	20001124	(1) Leupold Ring; (1) Leupold Base	Canada	1717697	66.98
155	20001130	(1) Tasco Scope	Canada	1724685	54.99
156	20001130	(3) Tasco Scopes	Canada	1726448	234.97
157	20001201	(1) Tasco Sight; (2) Redfield Rings	Canada	1727168	74.97
158	20001201	(4) Millett Rings	Canada	1731503	79.96
159	20001208	(1) Tasco Scope	Canada	1738115	99.99
160	20001211	(1) Tasco Scope	Canada	1747150	69.99
161	20001212	(2) BSA Scopes	Canada	1752302	209.98
162	20001215	(1) BSA Scope	Canada	1754371	99.99
163	20001218	(1) Tasco Scope	Canada	1760412	84.99
164	20001222	(1) BSA Scope	Canada	1766236	79.99
165	20001222	(1) BSA Scope	Canada	1767639	119.99
166	20001222	(2) BSA Sights	Canada	1767764	84.98
167	20001226	(1) Tasco Scope	Canada	1769056	99.99
168	20010103	(1) Tasco Scope	Canada	1778651	99.99
169	20010103	(3) Tasco Sights	Canada	1778847	89.97
170	20010103	(1) Tasco Stope	Canada	1778905	144.99
171	20010104	(1) BSA Scope; (1) Leupold Ring; (1) Leupold Base	Canada	1783644	79.97
172	20010104	(1) Tasco Base; (1) Tasco Sight	Canada	1785906	184.98
173	20010104	(1) Aimtech Base	Canada	1787596	39.99
174	20010105	(1) Tasco Ring	Canada	1788655	5.99
175	20010111	(1) Tasco Sight	Canada	1797290	129.99

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176	20010112	(1) Tasco Scope	Canada	1798975	69.99
177	20010117	(1) Tasco Sight	Canada	1806382	129.99
178	20010117	(1) BSA Scope	Canada	1808107	59.99
179	20010122	(1) Tasco Scope	Canada	1809331	139.99
180	20010123	(1) Tasco Scope	Canada	1812340	64.99
181	20010125	(7) BSA Scopes	Canada	1714479	582.93
182	20010125	(2) Tasco Sights; (1) Tasco Scope	Canada	1819069	154.97
183	20010126	(3) Tasco Scopes	Canada	1818366	292.97
184	20010130	(1) BSA Sight; (1) BSA Scope	Canada	1827016	101.98
185	20010201	(1) BSA Scope	Canada	1831931	71.99
186	20010202	(1) BSA Scope	Canada	1832507	109.99
187	20010204	(1) Tasco Scope	Canada	1836766	94.99
188	20010206	(2) Tasco Scopes	Canada	1817533	139.98
189	20010206	(1) BSA Scope	Canada	1842538	89.99
190	20010211	(1) Tasco Scope	Canada	1849068	139.99
191	20010212	(1) Tasco Scope	Canada	1849377	69.99
192	20010215	(1) Simmons Scope	Canada	1858072	99.99
193	20010218	(2) Tasco Scopes	Canada	1860377	194.98
194	20010220	(1) BSA Scope	Canada	1864371	124.99
195	20010223	(1) BSA Scope	Canada	1869695	99.99
196	20010225	(1) Tasco Scope	Canada	1872393	59.99
197	20010301	(1) Tasco Scope	Canada	1878900	69.99
198	20010301	(1) Tasco Scope	Canada	1883437	79.99
199	20010307	(2) Tasco Scopes	Canada	1887414	139.98
200	20010307	(1) BSA Scope	Canada	1888450	59.99
201	20010307	(1) Tasco Scope	Canada	1895671	79.99
202	20010309	(1) Tasco Scope	Canada	1898249	69.99
203	20010313	(1) Tasco Sight	Canada	1900308	29.99
204	20010313	(1) BSA, (2) Tasco Scopes	Canada	1905180	264.97
205	20010313	(1) BSA Scope	Canada	1906329	109.99
206	20010320	(1) Simmons Scope	Canada	1912046	99.99
207	20010321	(1) Tasco Sight	Canada	1917179	124.99
208	20010321	(1) Tasco Scope	Canada	1918550	69.99
209	20010321	(1) BSA Sight	Canada	1919517	27.99
210	20010327	(1) Tasco Scope	Canada	1922518	134.99
211	20010328	(1) Simmons Scope; (1) Buris Ring	Canada	1924136	202.98

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212	20010328	(1) Simmons Scope	Canada	1928259	99.99
213	20010329	(2) BSA Sights	Canada	1934051	51.98
214	20010330	(3) Tasco Scopes	Canada	1936935	209.97
215	20010331	(1) Tasco Scope	Canada	1938497	159.99
216	20010402	(1) Tasco Scope	Canada	1938451	79.99
217	20010405	(1) Tasco Scope	Canada	1943848	71.99
218	20010406	(1) Tasco Scope	Canada	1949343	94.99
219	20010406	(1) Tasco Scope	Canada	1950264	159.99
220	20010408	(1) Tasco Scope	Canada	1950978	94.99
221	20010408	(1) Tasco Scope	Canada	1951057	79.99
222	20010408	(1) Tasco Sight	Canada	1951136	34.99
223	20010409	(1) Simmons Scope	Canada	1948576	99.99
224	20010409	(1) Tasco Scope	Canada	1950889	94.99
225	20010410	(1) BSA Sight; (1) BSA Scope	Canada	1951930	221.98
226	20010411	(1) Tasco Scope	Canada	1826048	139.99
227	20010411	(1) Tasco Sight	Canada	1956771	54.99
228	20010416	(1) Tasco Scope	Canada	1923769	144.99
229	20010418	(1) Tasco Scope	Canada	1965855	79.99
230	20010424	(1) Tasco Sight	Canada	1972243	24.99
231	20010425	(1) Simmons Scope	Canada	1975532	99.99
232	20010425	(1) Weaver Ring	Canada	1977829	17.99
233	20010427	(1) Tasco Scope; (1) Tasco Ring	Canada	1980752	78.98
234	20010501	(1) Tasco Scope	Canada	1985967	79.99
235	20010501	(1) Tasco Scope	Canada	1986652	71.99
236	20010502	(1) Weaver Ring	Canada	1986501	17.99
237	20010502	(4) Tasco Scopes	Canada	1988320	279.96
238	20010502	(1) Tasco Scope	Canada	1988998	89.99
239	20010503	(1) Tasco Sight	Canada	1990893	129.99
240	20010509	(1) Tasco Scope	Canada	1998832	79.99
241	20010510	(2) Burris Rings, (1) Leupold Base	Canada	2000251	85.97
242	20010510	(1) Tasco Scope	Canada	2000432	69.99
243	20010516	(1) BSA Scope	Canada	2006602	159.99
244	20010516	(1) Tasco Scope	Canada	2006629	139.99
245	20010523	(1) Tasco Scope	Canada	2013893	69.99
246	20010523	(5) Millett Rings	Canada	2014023	84.95
247	20010523	(1) Tasco Scope	Canada	2015122	139.99

<u>CHARGE</u>	<u>DATE</u>	<u>COMMODITY (all ECCN 0A987)</u>	<u>DESTINATION</u>	<u>INVOICE #</u>	<u>VALUE (\$)</u>
248	20010523	(1) BSA Scope	Canada	2015383	89.99
249	20010604	(1) BSA Scope	Canada	2024589	82.99
250	20010604	(1) Tasco Sight	Canada	2024782	129.99
251	20010604	(1) BSA Scope	Canada	2024949	79.99
252	20010604	(1) BSA Scope	Canada	2025723	154.99
253	20010605	(1) Tasco Scope; (1) Weaver Ring	Canada	2026900	98.48
254	20010606	(1) Tasco Scope	Canada	2030779	94.99
255	20010606	(1) Tasco Scope	Canada	2030803	81.99
256	20010606	(1) Tasco Scope	Canada	2031093	78.99
257	20010608	(1) Tasco Scope	Canada	2033994	78.99
258	20010611	(1) BSA Scope	Canada	2036832	131.99
259	20010615	(1) Tasco Scope	Canada	2040565	99.99
260	20010615	(2) Tasco Scopes	Canada	2041634	163.98
261	20010615	(1) Tasco Scope	Canada	2042719	85.99
262	20010619	(2) Tasco Scopes; (2) Redfield Mount	Canada	2039437	171.96
263	20010619	(1) Tasco Scope	Canada	2046807	65.99
264	20010619	(1) BSA Sight	Canada	2047119	27.99
265	20010620	(3) Tasco Scopes	Canada	2048450	194.97
266	20010627	(1) Tasco Scope	Canada	2055007	72.99
267	20010629	(1) Tasco Scope	Canada	2058213	159.99
268	20010702	(1) Tasco Base	Canada	2059512	23.49
269	20010702	(1) Tasco Scope	Canada	2062511	64.99
270	20010705	(1) Simmons Scope	Canada	2064373	96.99
271	20010706	(1) BSA Scope	Canada	2066381	104.99
272	20010706	(2) Simmons Scopes	Canada	2067246	115.98
273	20010710	(1) Tasco Scope	Canada	2067642	169.99
274	20010724	(1) Burris Scope	Canada	2084195	148.99
275	20010726	(1) Tasco Scope	Canada	2085714	143.99
		Total			31,188.04
276	19990504	(1) Leupold Base; (8) Leupold Rings; (1) Bushnell Holosight	Argentina	9223220, 9223235	521.40
277	19990520	(3) Leupold Bases; (1) Leupold Ring; (2) BSA Scopes; (1) Leupold Base	Argentina	9258742, 9258752	468.93
278	19990717	(1) Tasco Scope; (11) Leupold Rings; (1) Leupold Base; (1) BSA, (1) Tasco Scope	Argentina	9361109, 9361109	628.36
279	19990803	(4) Redfield Rings; (9) Leupold Bases	Argentina	9393034	213.37
280	19990917	(2) BSA Scopes; (1) BSA Sight; (1) Bushnell Holosight	Argentina	9479198, 9479204	520.46
281	19991102	(3) Leupold Rings; (4) BSA Scopes; (2) BSA Sights	Argentina	1023719	580.91

<u>CHARGE</u>	<u>DATE</u>	<u>COMMODITY (all ECCN 0A987)</u>	<u>DESTINATION</u>	<u>INVOICE #</u>	<u>VALUE (\$)</u>
282	20000707	(1) Tasco, (1) BSA Scope	Argentina	1512801	539.37
283	20000810	(3) BSA Scopes; (2) Aimtech, (3) Leupold Bases; (1) Leupold Base	Argentina	1551885, 1569497	434.59
284	20000908	(1) Aimtech Base	Argentina	1612800	44.54
285	20000926	(1) Leupold Base; (1) Leupold Ring; (1) BSA Sight	Argentina	1637366	111.74
286	20001009	(1) BSA Scope	Argentina	1657692	368.79
287	20001020	(1) Leupold Base	Argentina	1671304	19.80
288	20001107	(1) Leupold Base	Argentina	1698429	11.26
289	20001219	(1) BSA Sight; (1) BSA Scope	Argentina	1765089	121.98
290	20010125	(4) BSA Scopes	Argentina	1820199	228.45
291	20010403	(3) Leupold Bases; (4) BSA Scopes	Argentina	1935482	185.71
292	20010417	(1) Aimtech Base, (2) BSA Scopes	Argentina	1965572	125.53
293	20010503	(2) Millett Rings	Argentina	1991667	58.64
		Total			5,183.83
294	20010502	(1) Leupold Base; (2) Leupold, (3) Millett Rings	Barbados	1989067	91.94
295	20000829	(1) Leupold, (1) Millett Ring	Bolivia	1596768	37.98
296	20000516	(1) Leupold, (1) Redfield Base; (1) Redfield Ring	Brazil	1435072	41.97
297	19990507	(6) Tasco, (3) Weaver Scopes; (1) Weaver Ring	Finland	9235623	683.40
298	19990604	(3) Tasco, (3) Weaver Scopes; (2) Tasco Rings	Finland	9286622	603.92
299	19990702	(5) Tasco Scopes, (2) Tasco Sights	Finland	9338707	505.93
300	19990804	(1) Tasco, (2) Weaver Scopes	Finland	9397335	349.97
301	19990909	(1) BSA, (10) Tasco, (3) Weaver Scopes; (1) Redfield Mount	Finland	9464912	966.85
302	19990929	(1) Redfield Mount; (5) Weaver Rings	Finland	9504648	122.44
303	19991104	(1) Redfield Mount; (1) Tasco Sight; (1) Weaver Ring	Finland	1019102	152.47
304	19991130	(1) Mount; (1) Scope; (3) Rings; (9) Bases	Finland	1068710	207.56
305	19991230	(1) Tasco Scope; (1) Weaver Ring; (1) Weaver Base	Finland	1141625	102.77
306	20000211	(3) Weaver Rings	Finland	1248629	44.17
307	20000301	(1) BSA, (1) Burris Scope; (2) Tasco Sights	Finland	1266661	733.39
308	20000405	(2) BSA, (2) Tasco Scopes; (1) BSA Sight	Finland	1301601	529.74
309	20000509	(1) BSA, (1) Tasco Scope; (3) BSA, (2) Tasco Sights	Finland	1374164	531.24
310	20000602	(2) Tasco Scopes	Finland	1459167	89.78
311	20000707	(2) Millett, (2) Leupold Rings; (2) Weaver, (5) Tasco, (2) BSA Scopes	Finland	1515288	912.70
312	20000808	(4) Weaver, (7) Tasco Scopes; (4) Weaver Bases	Finland	1565638	1,199.56

<u>CHARGE</u>	<u>DATE</u>	<u>COMMODITY (all ECCN 0A987)</u>	<u>DESTINATION</u>	<u>INVOICE #</u>	<u>VALUE (\$)</u>
313	20000901	(12) Scopes; (2) Sights; (13) Rings; (3) Bases; (1) Mount	Finland	1600031	1,051.65
314	20001006	(1) BSA Sight; (9) Tasco Scopes	Finland	1655239	337.20
315	20001215	(5) Weaver Bases; (1) Weaver Ring; (2) Tasco Scopes	Finland	1758207	113.56
316	20010207	(2) Weaver Bases; (7) BSA, (2) Tasco Scopes; (1) Tasco Sight	Finland	1774517	903.94
317	20010308	(1) BSA, (8) Tasco Scopes; (2) B-Square Bases	Finland	1896797	414.43
318	20010409	(4) Rings; (1) Sight; (8) Scopes; (2) Bases	Finland	1876356	795.51
319	20010508	(7) Bases; (3) Bases; (1) Ring	Finland	1961967	400.98
320	20010511	(2) Tasco, (3) BSA Sights; (2) B Square Bases	Finland	1997264	504.97
321	20010601	(9) Scopes; (2) Sights; (3) Bases; (2) Rings	Finland	2024835	755.05
322	20010723	(3) Scopes; (1) Sight; (5) Bases; (1) Ring	Finland	2081597	508.72
323	20010809	(8) Scopes; (1) Sight; (1) Base	Finland	2103711	553.52
324	20010814	(1) Burris Scope	Finland	2110653	437.99
325	20010905	(4) Scopes; (6) Bases; (24) Rings; (4) Mounts	Finland	2112041	961.37
326	20011004	(2) BSA Sights; (8) Scopes; (11) Bases	Finland	2148165	1,111.79
327	20011107	(2) Sights; (15) Scopes; (5) Bases; (3) Rings	Finland	2176975	1,503.92
328	20011206	(1) Sight; (3) Scopes; (1) Base; (1) Ring	Finland	2218910	211.87
329	20020207	(2) Sights; (5) Scopes; (3) Rings	Finland	2336738	767.89
330	20020311	(1) Weaver Mount; (1) Burris Scope; (2) Tasco Scopes	Finland	2378735	219.46
331	20020506	(2) Sights; (2) Scopes; (2) Bases; (2) Rings	Finland	2445846	357.02
332	20020603	(2) BSA Sights; (5) Tasco Scopes; (5) Weaver Bases; (2) Leupold Rings	Finland	2456571	434.22
333	20020801	(1) Leupold Ring; (1) Leupold Base	Finland	2539606	73.98
334	20020906	(1) Simmons, (2) Tasco Scopes; (1) Leupold Ring	Finland	2541913	216.12
		Total			20,371.05
335	19990615	(2) Bausch & Lomb Scopes	Mexico	9306053	736.98
336	19990708	(1) Bausch & Lomb Scope	Mexico	9345825	280.99
337	20000427	(3) Leupold Rings	Mexico	1400656	116.97
338	20010326	(1) Tasco Scope	Mexico	1928284	69.99
		Total			1,204.93
339	20010102	(3) BSA Scopes	Philippines	1782921	119.97
340	20020628	(1) Redfield Scope	South Africa	2495912	192.99
341	19990930	(3) Leupold Rings; (5) Leupold Mounts	Sweden	9504987	243.92
342	19991108	(3) Leupold Rings; (5) Leupold Mounts	Sweden	1003288	243.92

<u>CHARGE</u>	<u>DATE</u>	<u>COMMODITY (all ECCN 0A987)</u>	<u>DESTINATION</u>	<u>INVOICE #</u>	<u>VALUE (\$)</u>
343	20000810	(2) Leupold Bases; (2) Leupold Rings	Sweden	1568655	101.08
344	20000828	(2) Leupold Bases	Sweden	1590203	57.26
345	20000906	(1) Leupold Ring	Sweden	1610111	24.69
346	20001107	(3) Leupold Rings; (1) Tasco Sight; (1) Tasco Base	Sweden	1700635	299.15
347	20001205	(1) Leupold Ring; (1) Leupold Base	Sweden	1741552	27.11
348	20001213	(1) Leupold Ring; (1) Tasco Sight; (1) Tasco Base	Sweden	1745339	237.46
349	20010118	(2) Leupold, (2) Tasco Bases; (8) Leupold Rings; (2) Tasco Sights	Sweden	1765459	586.50
350	20010319	(1) B-Square Base	Sweden	1863928	37.76
351	20010612	(1) Leupold Base; (1) Tasco Sight	Sweden	1834466	159.78
352	20011121	(1) Leupold Base	Sweden	2236061	14.29
353	20011128	(1) Tasco Sight	Sweden	2235840	125.00
354	20020227	(6) Sightron Scopes	Sweden	2317233	1,624.94
355	20020411	(5) Sightron Scopes; (1) Leupold Ring	Sweden	2421337	1,362.44
356	20020522	(1) Redfield Ring	Sweden	2456542	16.99
357	20020524	(4) Sightron Scopes	Sweden	2458485	1,075.96
358	20020820	(1) Leupold Ring	Sweden	2555227	47.99
		Total			6,286.24
359	19991112	(4) Weaver Rings	Switzerland	1037881	57.96
360	20000405	(2) Weaver Bases	Switzerland	1362315	9.78
361	20011102	(3) Simmons Scopes	Switzerland	2207907	384.30
		Total			452.04
362	20001103	(2) Tasco Scopes	Uruguay	1694758	43.98
363	20001113	(2) Redfield Bases; (2) Redfield Rings	Uruguay	1707670	36.96
364	20001130	(1) BSA Sight	Uruguay	1731220	29.99
365	20010216	(2) Redfield Rings	Uruguay	1859722	19.98
366	20010327	(1) Redfield Base; (1) Redfield Ring	Uruguay	1929678	25.98
367	20010412	(1) Redfield Base	Uruguay	1961208	17.99
368	20010426	(1) Tasco Scope	Uruguay	1980402	27.99
		Total			202.87
		Total Value of Exports			65,493.84

UNITED STATES DEPARTMENT OF COMMERCE
BUREAU OF INDUSTRY AND SECURITY
WASHINGTON, D.C. 20230

In the Matter of:

Midway Arms, Inc.
D/B/A Midway USA
5875 W. Van Horn Tavern Road
Columbia, Missouri 65203

Respondent.

SETTLEMENT AGREEMENT

This Settlement Agreement ("Agreement") is made by and between Respondent, Midway Arms, Inc., D/B/A Midway USA ("Midway"), and the Bureau of Industry and Security, United States Department of Commerce ("BIS") (collectively referred to as "Parties"), pursuant to Section 766.18(a) of the Export Administration Regulations ("Regulations"),¹ issued pursuant to the Export Administration Act of 1979, as amended (50 U.S.C. app. §§ 2401-2420 (2000)) ("Act"),²

¹ The Regulations are currently codified in the Code of Federal Regulations at 15 C.F.R. Parts 730-774 (2004). The charged violations occurred in 1999, 2000, 2001, and 2002. The Regulations governing the violations at issue are found in the 1999-2002 versions of the Code of Federal Regulations (15 C.F.R. Parts 730-774(1999-2002)). The 2004 Regulations establish the procedures that apply to this matter.

² From August 21, 1994 through November 12, 2000, the Act was in lapse. During that period, the President, through Executive Order 12924, which had been extended by successive Presidential Notices, the last of which was August 3, 2000 (3 C.F.R., 2000 Comp. 397 (2001)), continued the Regulations in effect under the International Emergency Economic Powers Act (50 U.S.C. §§ 1701 - 1706 (2000)) ("IEEPA"). On November 13, 2000, the Act was reauthorized and it remained in effect through August 20, 2001. Since August 21, 2001, the Act has been in lapse and the President, through Executive Order 13222 of August 17, 2001 (3 C.F.R., 2001 Comp. 783 (2002)), as extended by the Notice of August 6, 2004 (69 Fed. Reg. 48763 (August 10, 2004)), has continued the Regulations in effect under the IEEPA.

Settlement Agreement
Midway
Page 2 of 6

WHEREAS, BIS has notified Midway of its intention to initiate an administrative proceeding against Midway, pursuant to the Act and the Regulations;

WHEREAS, BIS has issued a proposed charging letter to Midway that alleged that Midway committed 368 violations of the Regulations, specifically:

1. *275 Violations of 15 C.F.R. § 764.2(a) - Exporting Firearms Sights, Scopes, Rings, Bases and Mounts to Canada Without the Required BIS Licenses:* On 275 occasions from on or about April 21, 1999, through on or about July 26, 2001, Midway engaged in conduct prohibited by or contrary to the Regulations by exporting firearms sights, scopes, rings, bases and mounts, all items subject to the regulations and classified under Export Control Classification Number ("ECCN") 0A987, to Canada, without the BIS licenses required by Section 742.17 of the Regulations (Exports of Firearms to OAS Member Countries).
2. *93 Violations of 15 C.F.R. § 764.2(a) - Exporting Firearms Sights, Scopes, Rings, Bases and Mounts to Argentina, Barbados, Bolivia, Brazil, Finland, Mexico, Philippines, South Africa, Sweden, Switzerland, and Uruguay Without the Required BIS Licenses:* On 93 occasions from on or about May 4, 1999, through on or about September 6, 2002, Midway engaged in conduct prohibited by or contrary to the Regulations by exporting firearms sights, scopes, rings, bases and mounts, all items subject to the Regulations and classified under ECCN 0A987, to destinations in Argentina, Barbados, Bolivia, Brazil, Finland, Mexico,

Settlement Agreement
Midway
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Philippines, South Africa, Sweden, Switzerland, and Uruguay, without the BIS licenses required by Section 742.7 of the Regulations.

WHEREAS, Midway has reviewed the proposed charging letter and is aware of the allegations made against it and the administrative sanctions that could be imposed against it if the allegations are found to be true;

WHEREAS, Midway fully understands the terms of this Agreement and the Order ("Order") that the Assistant Secretary of Commerce for Export Enforcement will issue if she approves this Agreement as the final resolution of this matter;

WHEREAS, Midway enters into this Agreement voluntarily and with full knowledge of its rights;

WHEREAS, Midway states that no promises or representations have been made to it other than the agreements and considerations herein expressed;

WHEREAS, Midway neither admits nor denies the allegations contained in the proposed charging letter;

WHEREAS, Midway wishes to settle and dispose of all matters alleged in the proposed charging letter by entering into this Agreement; and

WHEREAS, Midway agrees to be bound by the Order, if entered;

NOW THEREFORE, the Parties hereby agree as follows:

1. BIS has jurisdiction over Midway, under the Regulations, in connection with the matters alleged in the proposed charging letter.

Settlement Agreement
Midway
Page 4 of 6

2. The following sanction shall be imposed against Midway in complete settlement of the violations of the Regulations set forth in the proposed charging letter:

- a. Midway shall be assessed a civil penalty in the amount of \$222,000, of which \$33,300 shall be paid to the U.S. Department of Commerce within 30 days from the date of entry of the Order. Payment of \$99,900 shall be made in three equal installments of \$33,300 each, one payment every four months for the 12 months following the date of entry of this Order. Payment of the remaining \$88,800 shall be suspended for a period of one year from the date of entry of this Order and thereafter shall be waived, provided that during the period of suspension, Midway has committed no violation of the Act, or any regulation, order, or license issued thereunder and has made the payment of \$133,200 described above in a timely manner.
- b. The timely payment of the civil penalty agreed to in paragraph 2.a. is hereby made a condition to the granting, restoration, or continuing validity of any export license, license exception, permission, or privilege granted, or to be granted, to Midway. Failure to make timely payment of the civil penalty set forth above shall result in the denial of all of Midway's export privileges for a period of one year from the date of imposition of the penalty.

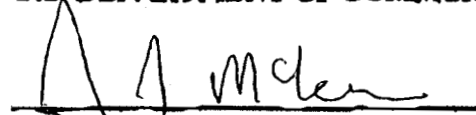
3. Subject to the approval of this Agreement pursuant to paragraph 8 hereof, Midway hereby waives all rights to further procedural steps in this matter (except with respect to any

Settlement Agreement
Midway
Page 6 of 6

8. This Agreement shall become binding on BIS only if the Assistant Secretary of Commerce for Export Enforcement approves it by entering the Order, which will have the same force and effect as a decision and order issued after a full administrative hearing on the record.

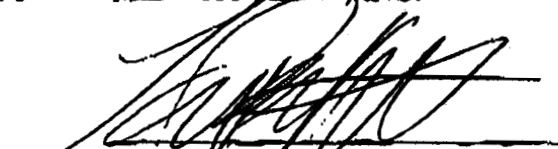
9. Each signatory affirms that he has authority to enter into this Settlement Agreement and to bind his respective party to the terms and conditions set forth herein.

BUREAU OF INDUSTRY AND SECURITY
U.S. DEPARTMENT OF COMMERCE


John McKenna
Acting Director
Office of Export Enforcement

Date: 9/27/04

MIDWAY ARMS, INC.


Larry W. Potterfield
President & CEO

Date: 9-20-04

UNITED STATES DEPARTMENT OF COMMERCE
BUREAU OF INDUSTRY AND SECURITY
WASHINGTON, D.C. 20230

In the Matter of:)
)
Midway Arms, Inc.)
D/B/A Midway USA)
5875 W. Van Horn Tavern Road)
Columbia, Missouri 65203)
)
Respondent.)
)

ORDER

The Bureau of Industry and Security, United States Department of Commerce (“BIS”) having notified Midway Arms, Inc., D/B/A Midway USA (“Midway”) of its intention to initiate an administrative proceeding against Midway pursuant to Section 766.3 of the Export Administration Regulations (“Regulations”),¹ and Section 13(c) of the Export Administration Act of 1979, as amended (50 U.S.C. app. §§ 2401-2420 (2000)) (“Act”),² based on the proposed charging letter issued to Midway that alleged that Midway committed 268 violations of the Regulations. Specifically, the charges are:

¹ The Regulations are currently codified in the Code of Federal Regulations at 15 C.F.R. Parts 730-774 (2004). The charged violations occurred in 1999, 2000, 2001, and 2002. The Regulations governing the violations at issue are found in the 1999-2002 versions of the Code of Federal Regulations (15 C.F.R. Parts 730-774(1999-2002)). The 2004 Regulations establish the procedures that apply to this matter.

² From August 21, 1994 through November 12, 2000, the Act was in lapse. During that period, the President, through Executive Order 12924, which had been extended by successive Presidential Notices, the last of which was August 3, 2000 (3 C.F.R., 2000 Comp. 397 (2001)), continued the Regulations in effect under the International Emergency Economic Powers Act (50 U.S.C. §§ 1701 - 1706 (2000)) (“IEEPA”). On November 13, 2000, the Act was reauthorized and it remained in effect through August 20, 2001. Since August 21, 2001, the Act has been in lapse and the President, through Executive Order 13222 of August 17, 2001 (3 C.F.R., 2001 Comp. 783 (2002)), as extended by the Notice of August 6, 2004 (69 *Fed. Reg.* 48763 (August 10, 2004)), has continued the Regulations in effect under the IEEPA.

1. *275 Violations of 15 C.F.R. § 764.2(a) - Exporting Firearms Sights, Scopes, Rings, Bases and Mounts to Canada Without the Required BIS Licenses:* On 275 occasions from on or about April 21, 1999, through on or about July 26, 2001, Midway engaged in conduct prohibited by or contrary to the Regulations by exporting firearms sights, scopes, rings, bases and mounts, all items subject to the regulations and classified under Export Control Classification Number ("ECCN") 0A987, to Canada, without the BIS licenses required by Section 742.17 of the Regulations (Exports of Firearms to OAS Member Countries).
2. *93 Violations of 15 C.F.R. § 764.2(a) - Exporting Firearms Sights, Scopes, Rings, Bases and Mounts to Argentina, Barbados, Bolivia, Brazil, Finland, Mexico, Philippines, South Africa, Sweden, Switzerland, and Uruguay Without the Required BIS Licenses:* On 93 occasions from on or about May 4, 1999, through on or about September 6, 2002, Midway engaged in conduct prohibited by or contrary to the Regulations by exporting firearms sights, scopes, rings, bases and mounts, all items subject to the Regulations and classified under ECCN 0A987, to destinations in Argentina, Barbados, Bolivia, Brazil, Finland, Mexico, Philippines, South Africa, Sweden, Switzerland, and Uruguay, without the BIS licenses required by Section 742.7 of the Regulations.

BIS and Midway having entered into a Settlement Agreement pursuant to Section 766.18(a) of the Regulations whereby they agreed to settle this matter in accordance with the terms and conditions set forth therein, and the terms of the Settlement Agreement having been approved by me;

IT IS THEREFORE ORDERED:

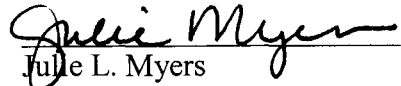
FIRST, that a civil penalty of \$222,000 is assessed against Midway. Midway shall pay \$44,400 to the U.S. Department of Commerce within 30 days from the date of entry of the Order. Payment of \$133,200 shall be made in three equal installments of \$44,400 each, one payment every four months for the 12 months following the date of entry of this Order. Payment of the remaining \$44,400 shall be suspended for a period of one year from the date of entry of this Order and thereafter shall be waived, provided that during the period of suspension, Midway has committed no violation of the Act, or any regulation, order, or license issued thereunder and has made the payment of \$177,600 described above in a timely manner. Payment shall be made in the manner specified in the attached instructions.

SECOND, that, pursuant to the Debt Collection Act of 1982, as amended (31 U.S.C. §§ 3701-3720E (2000)), the civil penalty owed under this Order accrues interest as more fully described in the attached Notice, and, if payment is not made by the due date specified herein, Midway will be assessed, in addition to the full amount of the civil penalty and interest, a penalty charge and an administrative charge, as more fully described in the attached Notice.

THIRD, that the timely payment of the civil penalty set forth above is hereby made a condition to the granting, restoration, or continuing validity of any export license, license exception, permission, or privilege granted, or to be granted, to Midway. Accordingly, if Midway should fail to pay the civil penalty in a timely manner, the undersigned may enter an Order denying all of Midway's export privileges for a period of one year from the date of entry of this Order.

FOURTH, that the proposed charging letter, the Settlement Agreement, and this Order shall be made available to the public.

This Order, which constitutes the final agency action in this matter, is effective immediately.


Julie L. Myers
Assistant Secretary of Commerce
for Export Enforcement

Entered this 30th day of September 2004.